HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 32360 of 1998

Dated 5th December, 2007

Between

B.S.N. Joshi & Sons Ltd.,
Rep. By R.K. Joshi

…Petitioner

and

The Assistant Labour Officer, Circle-IV
Visakhapatnam, and, anr

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 32360 of 1998

ORDER:

In this Writ Petition, the petitioner has questioned the order dated 27-10-1998 in MWMP.No. 70 of 1998 passed by the Second Respondent-the authority under Section 20 of the Minimum Wages Act, 1948.

The Assistant Labour Officer, circle-IV, Visakhapatnam, i.e. second respondent herein, has filed an application on behalf of five employees against the petitioner herein claiming differential wages for the period from 1-10-1991 to 31-3-1998, amounting to Rs.60,511-00. The said application was to be filed within six months from the date of due of such wages. However, wages were claimed from 1-10-1991 to 31-3-1998 by filing an application in the year 1998. As the said application was not filed within six months, MWMP No. 70 of 1998 was filed for condonation of delay in filing the claim

petition. The only ground urged in the said application was that though it is his bounden duty to make periodical inspections as contemplated under the Act, but, due to heavy rush in work, he could not inspect the establishment earlier than 4-5-1998 and he inspected the establishment on 4-5-1998 and found payment of less wages.

The ground that due to heavy work, he could not inspect the establishment for seven long years cannot be considered as a sufficient cause to condone the delay in filing the claim application. In that view of the matter, the impugned order is liable to be set aside.

Accordingly , the order dated 27-10-1998 passed in MWMP.No. 70 of 1998 by the second respondent is set aside and the Writ Petition is allowed. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 5-12-2007
Msnr.